



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

September 21, 2020

By ECF

The Honorable Jesse M. Furman
United States District Judge, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *New York v. Chad F. Wolf, et al.*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.)
Lewis-McCoy, et al. v. Chad Wolf, et al., No. 20 Civ. 1142 (JMF) (S.D.N.Y.)

Dear Judge Furman:

This Office represents the Defendants in the above-referenced actions. Today, pursuant to the Court's order dated September 14, 2020, Defendants filed a memorandum of law and a privilege log in further support of their September 4, 2020, letter motion for a protective order. The privilege log includes the names of low-level U.S. Customs and Border Protection ("CBP") and U.S. Department of Homeland Security ("DHS") employees that—in both their letter motion and in the memorandum of law filed today—Defendants assert are entitled to privacy protections. Accordingly, we have redacted the names of those low-level employees from the version of the privilege log filed on the public docket, and are also filing an unredacted version of the privilege log under seal.¹

We thank the Court for its attention to this matter.

¹ The Government's report redacted the name of "CBP OIT Director 1." *See* Dkt. No. 113 at 15, 18. Today, CBP informed the undersigned that "CBP OIT Director 1"—Valerie Isbell, Executive Director, Passenger Systems Program Directorate, Office of Information and Technology, Enterprise Services, CBP—is a member of CBP's Senior Executive Service and therefore not a "low-level employee." As such, the privilege log does not redact her name, and the Government withdraws its request to maintain her name under seal in its report.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: /s/ Zachary Bannon
ZACHARY BANNON
ELIZABETH J. KIM
CHRISTOPHER CONNOLLY
Assistant United States Attorneys
86 Chambers St. 3rd Floor
New York, New York 10007
Tel.: 212-637-2728
Fax: 212-637-2717
E-mail: Zachary.Bannon@usdoj.gov